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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,117	04/02/2001	Joseph L. Michels	TC00099	6862

22863 7590 07/01/2004

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

GOLD, AVI M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,117

Applicant(s)

MICHELS ET AL.

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/2/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This action is responsive to the application filed April 2, 2001. Claims 1-14 are pending. Claims 1-14 represent a method of previewing content in a distributed communications system.

Specification

The specification does not include a summary of the invention.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

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- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

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- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth et al., U.S. Patent No. 6,694,316, further in view of Small et al., U.S. Patent No. 5,642,203.

Langseth teaches the invention substantially as claimed including a system and method for a subject-based channel distribution of automatic, real-time delivery of personalized informational and transactional data (see abstract).

As to claims 1 and 2, Langseth teaches method of previewing content in a distributed communications system comprising:

receiving a plurality of categorized content at a remote communications node (col. 3, lines 12-58; Langseth discloses categorized information sent to subscribers via mobile phone);

evaluating each of the categorized content and previewing the categorized content (col. 4, lines 22-38; Langseth discloses a subscriber choosing personalization options based on what content they want).

Langseth fails to teach the limitation further including the assigning contextual audio content to each of the categorized content and previewing the categorized content utilizing the contextual audio content and mixing the contextual audio content with the categorized content.

However, Small teaches a user's ability to configure an infrastructure and as a result perform time and location based computing (see abstract). Small teaches the use of a contextual audio reminder (col. 10, lines 16-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Langseth in view of Small to mix contextual audio content with the categorized content to preview the categorized content. One would be motivated to do

so because contextual audio would allow the user to know what content is available without looking at a display.

As to claims 3 and 4, Langseth and Small teach the method of claim 1.

Langseth teaches the method of claim 1, wherein the categorized content comprises sub-categorized content and previewing the sub-categorized content (col. 5, lines 9-28; Langseth discloses different services within the finance channel that can be viewed).

Langseth fails to teach the limitation further including assigning the contextual audio content to each of the sub-categorized content and previewing the sub-categorized content utilizing the contextual audio content.

However, Small teaches the use of a contextual audio reminder (col. 10, lines 16-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Langseth in view of Small to assign contextual audio content to each of the sub-categorized. One would be motivated to do so because contextual audio would allow the user to preview what sub-categorized content is available without looking at a display.

As to claim 5, Langseth and Small teach the method of claim 1, wherein receiving the plurality of categorized content comprises receiving categorized textual

content (col. 3, lines 12-34; Langseth discloses a finance channel called "Market Update").

Claims 8-12 do not teach or define any new limitations above claims 1-5 and therefore are rejected for similar reasons.

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langseth and Small further in view of Abbott, III et al., U.S. Patent No. 6,513,046.

Langseth teaches the invention as claimed including a system and method for a subject-based channel distribution of automatic, real-time delivery of personalized informational and transactional data (see abstract). Small teaches the invention as claimed including a user's ability to configure an infrastructure and as a result perform time and location based computing (see abstract).

As to claims 6 and 7, Langseth and Small teach the method of claim 1.

Langseth and Small fail to teach the limitation further including the contextual audio content being user-provided and user-defined.

However, Abbott teaches computer-based storing of information about a current state to facilitate later recall (see abstract). Abbott teaches the use of a recording from the user providing descriptive information (col. 2, lines 43-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Langseth and Small in view of Abbott to use a user-provided and

user-defined contextual audio content. One would be motivated to do so because it would allow the user to configure the contextual audio to their preference.

Claims 13 and 14 do not teach or define any new limitations above claims 6 and 7 and therefore are rejected for similar reasons.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,195,655 to Lawler.

U.S. Pat. No. 6,522,333 to Hatlelid et al.

U.S. Pat. No. 6,421,305 to Gioscia et al.

U.S. Pat. No. 6,526,355 to Treyz et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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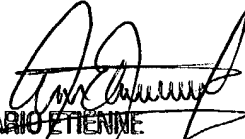
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Avi Gold

Patent Examiner

Art Unit 2157

AMG


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SUPERVISORY PATENT EXAMINER
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